

BY-LAWS OF THE LEITCHFIELD PLANNING COMMISSION  
OF  
LEITCHFIELD, KENTUCKY

ARTICLE I

OBJECTIVES

The objectives and purposes of the Leitchfield Planning Commission of Leitchfield, Kentucky are those set forth in Kentucky Revised Statutes Chapter 100 and amendments and supplements thereto and those powers and duties delegated to the Planning Commission by the City of Leitchfield as adopted and recorded in Order Book in accordance with the above mentioned enabling law.

ARTICLE II

OFFICERS AND THEIR DUTIES

**SECTION 1.**

The officers of the Planning Commission shall consist of a chairman, vice-chairman, and a secretary-treasurer.

**SECTION 2.**

The chairman shall be the presiding officer at all meetings and hearings of the Planning Commission and shall perform his duties as described by proper parliamentary procedures.

**SECTION 3.**

Under parliamentary procedure, the chairman's general duties are: to open and call the meeting to order; to announce the business to be conducted; to recognize members entitled to the floor; to

state and put to vote all questions which are regularly moved or necessarily arise in the course of proceedings and to announce the result of the vote; to vote only to break a tie vote and to refrain from debate on any question to be voted on; to protect the Commission from unnecessary or frivolous motions by not recognizing them; to speed up proceedings as much as possible; to require order and sincerity in meetings; to inform the group present to a point of order or a practice pertinent to pending business; and to authenticate, by his signature when necessary, all acts, orders, and proceedings of the Commission.

#### **SECTION 4.**

The chairman shall be one of the citizen-members of the Commission. He shall conduct business only for the benefit of the Commission involved and shall reflect no personal prejudice in any matter.

#### **SECTION 5.**

The vice-chairman shall assist the chairman in any way possible subject to the chairman's request. Upon the absence of the chairman, the vice-chairman shall automatically become the presiding officer of the commission.

#### **SECTION 6.**

The duties of the secretary-treasurer or his or her designee are as follows: to keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and

the number of votes for and against each question, and if any member is absent or disqualified from voting, indicating the fact, all of which shall immediately after adoption, be filed in the office of the Commission or board as applicable. If the Commission has no office, such records shall be filed in the office of the Mayor; to keep all financial records of the Commission; and to perform other duties which may be assigned to him.

### ARTICLE III

#### NOMINATION AND ELECTION OF OFFICERS

##### **SECTION 1.**

Nominations of officers shall be made from the citizen members at the annual organization meeting which shall be held on the ~~second Thursday~~ second Monday of January in each year. Nominations of citizen members only shall be accepted. All officers shall be eligible for re-election at the expiration of their office.

##### **SECTION 2.**

Election of officers shall take place immediately following nominations. Voting shall take place in one of the following ways: voice, show of hands, rising, balloting, or roll call.

##### **SECTION 3.**

A candidate receiving a simple majority vote of all members of the Planning Commission present at the annual meeting shall be declared elected and shall serve for a term of one (1) year or until his successor shall take office.

#### **SECTION 4.**

Vacancies in unexpired terms of office shall be filled immediately by regular election procedures.

### **ARTICLE IV**

#### **MEMBERSHIP**

#### **SECTION 1.**

Vacancies due to resignation, removal or termination of membership, shall be filled within sixty (60) days by the appropriate appointing authority. After such vacancy occurs the Commission chairman shall immediately give the appropriate appointing authority written notice that the vacancy exists. Then such appointing authority shall have sixty (60) days to fill the vacancy. If the appointing authority fails to do so, the Commission shall fill the vacancy, using the same procedure it uses to elect its officers as set out in Article III. When a vacancy occurs other than through expiration of the term of membership, it shall be filled for the remainder of that term.

#### **SECTION 2.**

Any members of a Planning Commission may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the Planning Commission shall submit a written statement to the Commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the Planning Commission, which shall be open to the general public. The member so removed shall have the right of appeal in the circuit court. The missing of three consecutive regular meetings shall constitute neglect of duty. The secretary of the Commission

shall notify the appropriate appointing authority of such neglect and request that appropriate action be taken by the appointing authority.

### **SECTION 3.**

Notwithstanding any other provision of these By-Laws, no person shall be a member of the Planning Commission who simultaneously holds a public office which is deemed to be incompatible by Section 165 of the Kentucky Constitution, KRS 61.080 or the common law. Without limiting the generality of this provision, the following offices are incompatible with membership on the Planning Commission:

- a. Holders of City Offices
- b. Holders of County Offices
- c. Members of City Commissions
- d. City Administrative Employees.

Provided, however, that such persons may hold "Ex Officio" membership on the Planning Commission. By "Ex Officio" is meant that such persons may attend meetings for the purpose of providing informational input which is designed to assist the members in the conduct of commission affairs.

## **ARTICLE V**

### **MEETINGS**

#### **SECTION 1.**

Meetings shall be held on the ~~second Thursday~~ second Monday of each month at 6:00 p.m. CST at the City Hall, Leitchfield, Kentucky or any other site when duly advertised in the meeting call notices.

## **SECTION 2.**

A Planning Commission shall consider a quorum present when a majority of the total members of the Commission is in attendance. For the purpose of establishing a quorum, a member of a Planning Commission shall not be counted if he has any direct or indirect financial interest in the outcome of any question before the Commission.

## **SECTION 3.**

- (A) To transact any official business, a simple majority vote of all members present that constitute a quorum shall be necessary.
- (B) To adopt or amend the Commission's by-laws, a simple majority vote of the total membership shall be necessary.
- (C) To adopt or amend elements of the comprehensive plan or regulations, a simple majority vote of the total membership shall be necessary.

## **SECTION 4.**

Special meetings may be called by the chairman. Such a meeting may be requested by a quorum of the Commission and must be called by the chairman. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Commission. The chairman shall notify all members of the Commission by oral or written notice not less than seven (7) days in advance of such special meeting. This notice shall contain the date, time, place, and subject of discussion.

**SECTION 5.**

All meetings and hearings at which official action is taken shall be open to the general public.

ARTICLE VI

ORDER OF BUSINESS

**SECTION 1.**

The order of business at regular meetings shall be:

- (A) Roll call
- (B) Reading of Minutes of Previous Meeting
- (C) Communication and Bills
- (D) Reports of Officers and Standing Committees
- (E) Reports of Special Committees
- (F) Special Orders
- (G) Old and Unfinished Business
- (H) New Business
- (I) Adjournment

ARTICLE VII

TRANSACTION OF BUSINESS

**SECTION 1.**

Any member of a Planning Commission who has financial interest in any question called to vote shall notify the Commission of such interest and thus disqualify himself from voting on the matter.

**SECTION 2.**

Any member of a Planning Commission who fails to notify the Commission of his financial interest in a question called to vote, shall have his voting qualification judged by the Commission as to his amount of interest in the question and his right to vote on it.

### **SECTION 3.**

Any member of a Planning Commission found to have any direct or indirect financial interest in a question called to vote shall not be considered in the quorum count prior to voting.

### **SECTION 4.**

The Commission shall have the right to administer funds for the purpose of employing a staff and for contracting with professional planners and other parties as it deems necessary for carrying out its functions and to meet necessary expenses of the Commission in carrying out its functions.

Such funds will be received from fees for services rendered. An annual audit shall be made on the distribution and handling of these funds. Such an audit shall be conducted in accordance to the Kentucky Statutes.

## **ARTICLE VIII**

### **EMPLOYEES**

#### **SECTION 1.**

The Commission may employ a clerk to assist the secretary in the performance of his/her duties and perform such other duties as may be assigned to him/her by the chairman.

#### **SECTION 2.**

The Commission may employ a staff and contract for planning assistance to aid in the work of the Commission. Such employment shall be approved by a simple majority of the total required membership.

## ARTICLE IX

### HEARINGS

#### **SECTION 1.**

In addition to those required by law, the Commission may hold public hearings at its discretion when it is apparent that such hearings will be in the public interest.

#### **SECTION 2.**

Notice of such hearings shall be distributed to the "publication area" as defined in the Kentucky Revised Statutes 424.110. Notice shall be published at least once but may be published two or more times, provided one publication occurs not less than seven (7) days nor more than twenty-one (21) days before the occurrence of the hearing.

#### **SECTION 3.**

The matter before the Commission shall be presented in summary by the secretary or a designated member of the Commission and parties in interest shall have privilege to the floor. No record of statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

#### **SECTION 4.**

A record shall be kept of those speaking before the Commission by the secretary.

**SECTION 5.**

The Planning Commission may appoint one or more of its members to act as a hearing examiner or examiners.

ARTICLE X

AMENDMENTS

**SECTION 1.**

These by-laws may be amended by a vote of a simple majority of the total membership of the Commission.

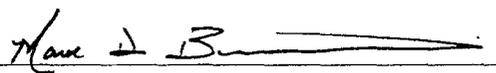
ADOPTED BY

LEITCHFIELD PLANNING COMMISSION



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CHAIRMAN



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SECRETARY

July 8, 1999 - Amended Date

DATE